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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,752	07/26/2001	Michael John Erickson	10017843-1	9114

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EXAMINER

AUVE, GLENN ALLEN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,752

Applicant(s)

ERICKSON ET AL.

Examiner

Glenn A. Auve

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 12 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the separate power controllers for each device as recited at least in claims 2 and 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: In the description of figure 1 on page 4 reference is made to elements 401-403 and 400, but these elements are not present in figure 1. Likewise on page 5 in the description of figure 2 reference is made to element 416 which is not shown in figure 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-4, 11, 12, and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is rejected because it is not clear what is meant by "indicating that the first I/O card has been to be replaced in said slot" on the last line. This phrase does not seem to make much sense.

Claim 3 is rejected because it depends on claim 2.

Claim 4 is rejected based on lack of positive antecedent basis of "the power controllers" on line 2.

Claim 11 is rejected because it is not clear what is meant by "indicating that the first I/O card has been to be replaced in said slot" on the last line. This phrase does not seem to make much sense.

Claim 12 is rejected because it depends on claim 11.

Claim 16 is rejected because it is not clear how steps (e) and (f) can be done since the "first core I/O card" has been replaced as noted in step (d). How can the first core I/O card be restarted and remapped if it has been replaced?

Claims 17-20 are rejected because they depend on claim 16.

Claim 18 is also rejected because it is not clear how power can be turned on to the first core I/O card after it has been replaced.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Madonna et al., U.S. Pat. No. 5,596,569.

As per claim 1, Madonna et al. (Madonna) shows a system for removing and replacing core I/O hardware in an operational computer (abstract) comprising a system processor (12), the system comprising: a first core I/O card (40) and a second core I/O card (58), wherein each said card comprises a plurality of I/O devices providing core I/O functions associated with the system processor; wherein at least one of the I/O devices on each said card is coupled to the system processor via a communication bus (as in at least fig.2); and wherein, in response to signals sent from the system processor via the communication bus, the second core I/O card performs functions performed by the first I/O card while the first I/O card is removed from its card slot and replaced (at least in the abstract and cols. 6-7). Madonna shows all of the elements recited in claim 1.

As for claim 5, the argument for claim 1 applies. Madonna also shows means for notifying a user of the system that the first core I/O card has been powered down (col.9, lines 33-60). Madonna shows all of the elements recited in claim 5:

As for claim 6, the argument for claim 1 applies. Madonna also shows that the system processor continues to operate while the first I/O card is removed from its card slot and replaced (throughout the specification, the object of the invention is to be able to remove the failed card and replace it while the system remains operational). Madonna shows all of the elements recited in claim 6.

As for claim 7, the argument for claim 1 applies. Madonna also shows that each said card includes a plurality of communication buses coupled between at least one of the devices on said card and the system processor (at least in figs. 2 and 3). Madonna shows all of the elements recited in claim 7.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other cited references also show systems with hot-plugging of I/O cards.

8. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: with respect to claims 8 and 9, Madonna does not specifically discuss what bus standards the systems uses, however because it is for use in a telecommunication system it seems unlikely that it would use either PCI or SCSI buses.

With respect to claim 10, Madonna does not show a plurality of power controllers with each device on the card connected to a separate one of the power controllers. Such a limitation would not have been obvious.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (703) 305-9638. The examiner can normally be reached on M-Th 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn A. Auve
Primary Examiner
Art Unit 2111

gaa
March 15, 2004